

# **COMMUNITY OUTREACH FOR VAPOR INTRUSION SITES**

## **June 2012**

### **Introduction**

The New Jersey Department of Environmental Protection (NJDEP) has developed the following recommendations for parties responsible for remediating contaminated sites and their environmental contractors to consider when conducting community outreach during VI investigations and mitigations. Every site will be different and have unique community outreach needs. For example, a VI investigation at a large residential area will most likely require a comprehensive community outreach program, while similar activities at an industrial property where the issues are limited to on-site buildings may not require any community outreach activities. This guidance addresses general issues and concerns encountered at most VI sites.

Before beginning any environmental investigation, please refer to the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C-1.7) regarding Notification and Public Outreach, including general requirements for public notification (part 1.7(h)), the development of a Fact Sheet (part 1.7(i)), and requirements when there is substantial public interest in a contaminated site.

### **I. Why Do Community Outreach?**

Early, two way communication with residents, business owners and local officials affected by a contaminated property is critical to a successful investigation and mitigation program. When citizens are well-informed about the issues surrounding a site, their questions and concerns can be more easily addressed. This builds trust and credibility and allows the remedial process to proceed most efficiently.

An effective outreach strategy that anticipates the needs and concerns of the community will be particularly important to a VI investigation. In most cases, the parties conducting the investigation will need to arrange sampling appointments with building owners/occupants, collect indoor air and soil gas samples, and report the findings. At some properties, subsurface depressurization systems may be required. Public meetings may be necessary to ensure the general public is properly informed about the investigation and remedial actions. Those involved in a VI investigation will want to develop their community outreach strategy before the actual work begins to ensure the most successful outcome.

### **II. Communicating with the Public about Vapor Intrusion**

When initiating a VI investigation, there are at least two key groups that need to be notified: the local officials and the potentially impacted building owners/occupants. The media may emerge as a third group if the site becomes high profile. Below are some tips on how and when to communicate with these parties.

## Local Officials

Before beginning a VI investigation, notify the municipal officials (e.g., municipal clerk, township administrator, mayor) and the local health officer that indoor air and/or soil gas sampling is going to be conducted in their area and why it is being done. As the elected or appointed leaders of the community, the media or residents will likely contact them for information. If site activities include going door to door to collect information from residents or any other type of canvassing, the local police department should also be notified.

Establish a working relationship with the local officials early in the process so they can be involved as needed later on. As part of this process, provide local officials with copies of the *Evaluating Indoor Air near VOC Contaminated Sites* and *Subsurface Depressurization Systems* fact sheets and inform them of the availability of these documents as well as the Vapor Intrusion Technical Guidance on NJDEP's web site at <http://www.nj.gov/dep/srp/guidance/vaporintrusion/>. Let them know that you may be copying them on correspondence to residents regarding the VI investigation.

## General Public

When communicating with potentially impacted building owners/occupants about the investigation, remember that the nature of VI, how it is evaluated, sources of background contamination, possible health effects and potential remedies will likely be unfamiliar concepts. Expect to expend significant effort educating building owners/occupants and local officials about these topics **before** conducting an indoor air investigation. If there is a large population of sensitive individuals (e.g., small children in school or daycare) in the area being investigated, or if there has already been significant media attention focused on the site, it may be helpful to hold a public meeting before the VI investigation work begins. Section VII has information on holding public meetings.

When discussing VI, be sure to define technical jargon and explain complex concepts in a manner that can be easily understood. Provide supplemental literature, such as fact sheets, or identify a web site that residents or other interested parties can go to for more information about the site. Ask for feedback to ensure the public understands the information and find out how the residents and local officials would like to be notified about developments in the future.

Since people living in an area being investigated for VI are directly affected by the contaminated site, be prepared to engage in frequent contact with the building owners/occupants (phone calls, letters, meetings, etc.).

Finally, some people may feel that owning a home with VI carries a stigma. Acknowledge these concerns and explain the level of confidentiality they can expect regarding their indoor air results and any remedial actions that may be taken at their homes.

## Media

A site does not have to be particularly large or complex to garner attention from local newspapers, television stations or other media outlets. In cases where the media have focused on the VI investigation, it is always advisable to make background material available (as long as the confidentiality of individual test results is maintained). If a site is or may become controversial, it may be a good idea to take the initiative to release information about the VI investigation rather than wait for a news story to break.

## **III. Arranging Sample Appointments**

NJDEP recommends a two step approach when initially contacting building owners/occupants to obtain permission to conduct a VI investigation at their buildings. First, send an introductory letter to the building owners/occupants to inform them of the proposed VI investigation at their buildings. Follow up with phone calls to schedule an information meeting or sampling appointments.

## Letters

Send the introductory letters several weeks ahead of the proposed sampling event. For rental properties, send the letters to both the building owners and occupants (tenants). An example of an introductory letter is available at [http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi\\_property\\_access\\_letter\\_1.doc](http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi_property_access_letter_1.doc).

If you choose to write your own letters, they should be written in non-technical terms and include the following information:

- an explanation for the sampling
- the name of the contaminant(s) of concern
- the anticipated sampling date (or approximate timeframe)
- who will be doing the sampling
- the phone number/e-mail address for a contact person

It is a good idea to always include the following attachments, which are available in NJDEP's Vapor Intrusion Technical Guidance as well as NJDEP's web page at <http://www.nj.gov/dep/srp/guidance/vaporintrusion/>:

- *Instructions for Occupants – Indoor Air Sampling Events* (available in English and Spanish)
- *Evaluating Indoor Air near VOC Contaminated Sites*

It may also be helpful to enclose specific information about the contaminant(s) of concern, such as ToxFAQ™ fact sheet(s) about the chemical(s) from the federal government's Agency for Toxic Substance and Disease Registry (ATSDR) web page at <http://www.atsdr.cdc.gov/atsdrhome.html>.

Finally, if plans include collecting sub-slab or near slab soil gas samples, you may want to attach an access agreement for the recipient to sign and return.

Note: It is important to keep the municipal officials apprised of your activities at this stage. Provide the officials with a sample introductory letter and a list of the names and addresses of the building owners/occupants that you have contacted to request access for an indoor air investigation.

### Phone Calls

Call the occupants of the buildings to arrange the sampling appointments at least two weeks prior to the scheduled sampling event. When calling to arrange the appointments, be prepared to discuss the following:

- the contaminant(s) of concern, including NJDEP's Indoor Air Screening Levels
- general health issues - direct specific health questions to the local health department and/or the New Jersey Department of Health and Senior Services
- how the sample(s) will be collected and analyzed
- when the analytical results will be available and possible remedial actions
- how to prepare for the sampling and what to avoid when sampling is being conducted, as outlined in *Instructions for Occupants – Indoor Air Sampling Events* in NJDEP's Vapor Intrusion Technical Guidance

In addition, discuss the *Indoor Air Building Survey and Sampling Form* with the occupant. Inform the occupant that someone knowledgeable about the property should be available on the day of sampling to help the sampling team to fill out the form. If that is not possible, try to fill out the form over the phone with the occupant.

When arranging follow up indoor testing appointments (such as sampling to check the effectiveness of a remedial action), it is only necessary to contact the building owners/occupants by telephone. As a courtesy, try to give building owners/occupants at least two weeks notice of the planned sampling. When scheduling follow up appointments, always review the recommendations outlined in *Instructions for Occupants – Indoor Air Sampling Events* with the building owners/occupants to remind them about how to prepare for the sampling and what to avoid while the sampling is being conducted.

### Access Issues

You may not always be successful in obtaining access to properties to perform a VI investigation after you have contacted the building owners/occupants pursuant to the guidelines provided above. If access is not readily granted by one or more building owners/occupants, seek assistance from the local health official. If the local health official is unable to assist in gaining access, follow up with additional phone calls and letters and possibly visits to the building owner/occupants.

If the building owner/occupants still refuses access or does not respond after the above actions have been taken, notify the building owner/occupants by certified letter of your intention to pursue legal action and file a court action to gain access pursuant to N.J.A.C. 7:26C-8.2 (see sample letter available at [http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi\\_property\\_access\\_letter\\_2.doc](http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi_property_access_letter_2.doc)). It is important that you provide a copy of the certified letter to the local health official and/or municipal officials to ensure the municipality has a record that you were denied access to the property to conduct the VI investigation.

#### **IV. Collecting Samples**

When entering homes and other private buildings to conduct air sampling, NJDEP recommends sending a team of two people. Each sampling team member should bring identification for verification by the residents should it be requested. If a public relations representative is assigned to the site, that person should be present on the first day to meet the occupants of the buildings, help fill out the building survey and answer questions. If a public relations representative is not assigned to the site, the sampling team should be prepared to provide the occupants with the name and telephone number of a contact person to whom they can direct questions.

Note: In light of recent concerns about homeland security, it is highly recommended that precautions be taken whenever the VI investigation includes outside air sampling. The sampling equipment (stainless steel canisters) and related devices are not familiar to most people and may be misinterpreted as a safety concern. Therefore, the local police and fire departments should be notified of the sampling event in addition to the municipal officials. It may be useful to demonstrate the operation of the sampling equipment to these officials. A label should be affixed to the sampling device explaining the nature of the equipment and contact information in case there are further questions.

#### **V. Reporting Sample Results**

You should always provide written summaries detailing the findings of the VI investigation to the building owners and occupants (i.e. tenants). In addition to written summaries, you should call the building owners/occupants to report the results under the following scenarios:

- The analytical results indicate that VI is causing one or more contaminants of concern to exceed its NJDEP Rapid Action Level. This will give the building owner/occupant the opportunity to discuss the results as soon as they become aware of them.
- Very high levels of background contaminants are found in the indoor air. This may allow the building owner/occupant to take immediate measures to reduce their exposure to these contaminants by addressing the source. Building owners/occupants should be referred to their local health department and/or the New Jersey Department of Health and Senior Services if they have specific health questions about non-site related contaminants.

- A significant period of time has elapsed (more than eight weeks) since the testing was conducted. Building owners/occupants who are anxious about their results will appreciate receiving them verbally if it speeds the process.

### Verbal Reporting

When reporting indoor air results verbally, NJDEP recommends that you provide the results directly to the building owner/occupant, since leaving the information on an answering machine or with another person can lead to a misunderstanding of the findings and/or breach confidentiality.

Once the building owner/occupant knows their indoor air testing results, explain the next action, if any, and when they can expect to receive written copies of their results. Provide the name and phone number of a contact person in case they have follow up questions.

### Written Summaries

The written summaries should consist of a cover letter explaining the findings of the VI investigation and a table or tables summarizing the analytical results. The purpose of the cover letter is to put the results in a context that the building owner/occupant can easily understand. The analytical results tables should be consistent with the sample results tables included in the instructions provided at [http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi\\_template\\_letter\\_instructions\\_lsrp.pdf](http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi_template_letter_instructions_lsrp.pdf). In the case of rental properties, the findings should be reported in writing to both the tenant and the property owner. Also copy the local health officer on all letters to residents.

The cover letter should be written in non-technical terms and include the information listed below.

- The date the sampling was conducted
- Who conducted the sampling (e.g., name of government agency or private contractor)
- The site for which the sampling was conducted (if applicable)
- The sample location/address, including the block and lot
- An explanation of the findings with the contaminant(s) of concern highlighted
- The next action, if any, for the property (e.g., another round of sampling or a remedial action)
- A brief discussion of the indoor air contaminants detected that are not related to the site. (Refer the occupant/property owner to their local health department if they have questions about non-site related indoor air contaminants)
- Name and telephone number of a contact person and a representative from the local health department

Also attach copies of the [Common Household Sources of Background Indoor Air Contamination](#) and the [Subsurface Depressurization Systems](#) fact sheet if applicable. These are available at <http://www.nj.gov/dep/srp/guidance/vaporintrusion/>.

The analytical results summary table should be in a format that is easy to understand. Enclosing the summary tables from the laboratory analytical data package is *not* recommended, as these are often very technical. The table should include all of the compounds detected, the NJDEP VI Screening Level for each compound and the concentration of each compound that was detected during the VI sampling (both reported in micrograms per cubic meter, or  $\mu\text{g}/\text{m}^3$ ).

## **VI. Community Outreach during Mitigation**

Most of the community outreach conducted during the mitigation phase will entail acting as a point of contact between the building owners/occupants and the contractor or state regulators. This can include scheduling the installation of the remedial system, relaying the property owner's concerns to the appropriate individuals and ensuring that issues or concerns related to the remedial action are resolved. For an example of a letter offering installation of a subsurface depressurization system or another remedial measure, see the sample letter available at [http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi\\_property\\_access\\_letter\\_3.doc](http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi_property_access_letter_3.doc).

As stated earlier, some people may feel that owning a home with VI carries a stigma. Before beginning the mitigation, make sure the building owners/occupants are comfortable with the final design. Review the design with the building owner/occupant and have them sign off on the design before installation. In all cases, the finished mitigation system should be as inconspicuous as possible.

**Note:** An owner of a residential property that is not inhabited by tenants may ultimately decide that he/she does not want a subsurface depressurization system installed at their property or any other remedial action implemented. You should document the building owner's refusal by sending him/her a certified letter and providing a copy of the letter to the municipality and the local health official (see sample letter available at [http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi\\_property\\_access\\_letter\\_4.doc](http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi_property_access_letter_4.doc)).

If the owner of a residential property that is inhabited by a tenant or the owner of a property that is a public space (i.e., a commercial property) refuses the installation of a system or other remedial action to address elevated vapors, send a certified letter notifying them that you will be pursuing legal action to obtain access (see sample letter available at [http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi\\_property\\_access\\_letter\\_5.doc](http://www.nj.gov/dep/srp/guidance/vaporintrusion/templates/vi_property_access_letter_5.doc)). Be sure to copy the municipality and local health official on the letter.

## **VII. Meeting with the Public**

When VI sites generate significant community interest, public meetings can be useful forums for disseminating information and answering questions (see options below). The meetings may be held at a municipal building, school or other public building near the site.

Consult with the local officials to determine the best day and time and give the public several weeks notice of the meeting date. Weekday evenings are usually the most convenient times for such meetings. After a date and time has been selected, it is a good idea to ask the local council to announce the upcoming meeting at their meetings. NJDEP also recommends mailing notices of the meeting to the residences abutting and near the site. It is also advisable to publish a notice of the meeting in the local newspaper.

There are three possible formats for the public meeting. The first is in conjunction with a local council meeting. Engage local assistance on how to notify the public of the presentation, how long it should be, how questions will be asked and other issues pertaining to the presentation.

The second type of meeting is a formal presentation with a question and answer period. The investigator makes all of the arrangements for this type of meeting after getting input from local officials. They also establish the format of the meeting and run the meeting.

The third more informal format is a public availability session or “open house.” As with the more formal presentation, the investigator arranges the meeting after conferring with the local officials. This type of meeting is largely unstructured, allowing the public to speak one to one with the professionals involved in the investigation in a relatively private setting. A short presentation may be included if desired.

The panelists for the public meeting should include geologists, public health officials, toxicologists, case team members and others knowledgeable about the site and its potential health effects. When presenting data about the site to the public, it is important to remember that confidentiality may be an issue for some building owners/occupants. For this reason, maps or other documents identifying specific homes with indoor air contamination may not be suitable presentation materials.

During the meeting, note concerns and issues raised by the public and local officials that cannot be answered or addressed immediately and provide responses to these concerns and issues as quickly as possible once the public meeting or public availability session is over. In the weeks and months following the meeting, continue to periodically update the residents and local officials on the VI investigation and any remedial actions through fact sheets, letters and/or telephone calls.

## **VIII. Additional Information**

For additional guidance on risk communication, please refer to the NJDEP publication Establishing Dialogue: Planning for Success: A Guide to Effective Communication Planning, which is available at [www.state.nj.us/dep/dsr/publications/pub.htm](http://www.state.nj.us/dep/dsr/publications/pub.htm).